

Aaron M. Saykin  
Partner  
Direct Dial: 716.848.1345  
ASaykin@hodgsonruss.com



January 15, 2025

**Via ECF**

Hon. Leslie G. Foschio  
United States Magistrate Judge  
2 Niagara Square  
Buffalo, New York 14202  
Telephone: (716) 551-1850  
Fax: (716) 551-1855

Dear Judge Foschio:

Re: *Nolan v. Western Regional Off-Track Betting Corp. et al*,  
Case 1:21-cv-00922-WMS-LGF

On December 12, 2024, the Court instructed the parties to provide it, either jointly or separately, with a proposed case management order not later than January 16, 2025. See [Doc. 45](#). All parties have conferred and jointly submit the attached proposed case management order for the Court's consideration.

Respectfully submitted,

A handwritten signature in blue ink that reads "A. Saykin".

Aaron M. Saykin

Enclosure

cc: *All counsel via ECF*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MICHAEL NOLAN,

Plaintiff,

v.

Case No. 1:21-cv-922-WMS-LGF

WESTERN REGIONAL OFF TRACK BETTING  
CORPORATION, RICHARD D. BIANCHI, Individually  
and in his capacity as Chairman of the WROTB Board of  
Directors, and HENRY WOJTASZEK, Individually and as  
President of WROTB,

Defendants.

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WESTERN REGIONAL OFF TRACK  
BETTING CORPORATION,

Third-Party Plaintiff,

v.

STEVEN M. COHEN, ESQ.,

Third-Party Defendant.

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**SCHEDULING ORDER**

Pursuant to the Order of the Hon. William M. Skretny referring the above case to the undersigned for pretrial procedures and the entry of a scheduling order as provided in FED.R.CIV.P. Rule 16(b) and Local Rule 16, it is **ORDERED** that:

1. In accordance with Section 2.1A of the Plan for Alternative Dispute Resolution,<sup>1</sup> this case has been referred to mediation.

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<sup>1</sup> A copy of the ADR Plan, a list of ADR Neutrals, and related forms and documents can be found at <http://www.nywd.uscourts.gov> or obtained from the Clerk's Office.

2. Motions to opt out of ADR shall be filed no later than **February 5, 2025**.

3. Compliance with the mandatory disclosure requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure will be accomplished by **February 13, 2025**.

4. The parties shall confer and select a Mediator, confirm the Mediator's availability, ensure that the Mediator does not have a conflict with any of the parties in the case, identify a date and time for the initial mediation session, and file a stipulation confirming their selection on the form provided by the Court no later than **February 27, 2025**.

5. The initial mediation session shall be held no later than **April 11, 2025**.

6. All motions to join other parties and to amend the pleadings shall be filed on or before **April 18, 2025**.

7. All fact discovery in this case shall conclude on **October 22, 2025**. All motions to compel fact discovery shall be filed on or before **October 22, 2025**.

8. As the ADR program does not stay discovery, Plaintiff shall initiate discovery, through interrogatories and document requests, not later than **March 11, 2025**.

9. Plaintiff(s) shall identify any expert witnesses through interrogatories and provide reports pursuant to FED.R.CIV.P. Rule 26 by **December 19, 2025**. Defendant(s) shall identify any expert witnesses through interrogatories and provide reports pursuant to FED.R.CIV.P. Rule 26 by **January 19, 2026**. Motions to compel expert disclosures shall be filed not later than **January 26, 2026**.

10. Dispositive motions, if any, shall be filed no later than **March 26, 2026**.

Such motions shall be made returnable before District Judge Skretny.

11. Mediation sessions may continue, in accordance with the ADR Plan, until **April 24, 2026**. The continuation of mediation sessions shall not delay or defer other dates set forth in the Scheduling Order.

12. In the event that no dispositive motions are filed, a final pretrial status report shall be filed not later than **May 1, 2026**.

No extension of the above cutoff dates will be granted except upon written application to the undersigned, filed prior to the cutoff date, showing good cause for the extension. The attached guidelines shall govern all depositions. Counsel's attention is directed to FED.R.CIV.P. 16(f) calling for sanctions in the event of failure to comply with any direction of this court.

SO ORDERED.

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LESLIE G. FOSCHIO  
UNITED STATES MAGISTRATE JUDGE